

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

This matter is before the Court on the defendant's pro se motions to modify or reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) and for conditional release pending the adjudication of the § 3582(c)(2) motion (ECF No. 953). For the reasons set forth below, the Court denies the defendant's motions.

## **BACKGROUND**

On June 5, 2002, a jury found the defendant guilty of conspiring to distribute and to possess with intent to distribute 50 grams or more of cocaine base, less than 500 grams of cocaine, and less than 50 kilograms of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846. On October 30, 2002, the defendant was sentenced to a term of imprisonment of 292 months. Judgment was entered on December 30, 2002. The defendant appealed, and on June 22, 2004, the Fourth Circuit affirmed the judgment. On September 12, 2008, the defendant's sentence was reduced to a term of imprisonment of 240 months. The defendant moved on July 22, 2011, for a reduction of his sentence based on the Fair Sentencing Act of 2010.

**DISCUSSION**

The Fair Sentencing Act of 2010, Pub.L. 111-120, 124 Stat. 2372, reduced sentencing disparities between crack and power cocaine. The Fourth Circuit has held that the Fair Sentencing Act does not apply to individuals sentenced prior to the Act's effective date of August 3, 2010. United States v. Bullard, --- F.3d ----, 2011 WL 1718894, at \*10 (4th Cir. May 6, 2011). The Fair Sentencing Act therefore does not apply to the defendant.

**CONCLUSION**

Based on the foregoing, it is therefore **ORDERED** that the respondent's motions for review of sentence and conditional release pending adjudication of the § 3582(c)(2) motion (ECF No. 953) are **DENIED**.

**AND IT IS SO ORDERED.**

  
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C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE

July 29, 2011  
Charleston, South Carolina